

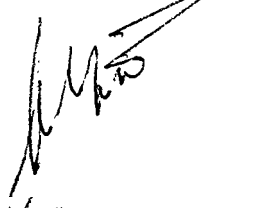
Mailing address:
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Location:
58 East State Street
Montpelier, Vermont 05602

STATE OF VERMONT
ENVIRONMENTAL BOARD
MONTPELIER, VERMONT 05602
802-828-3309

DATE : March 27, 1996
TO: Parties
FROM: Arthur Gibb, Acting Chair
RE: Pico Peak Ski Resort, Inc., #1R0265-12-EB

A handwritten signature in dark ink, appearing to be "A. Gibb", is written over the "FROM:" line and extends into the "RE:" line.

On February 28, 1996, the Board considered **Pico's** December 1, 1995 letter regarding an apparent clerical/typographical error in the November 22, 1995 decision. The Board concluded that the date set forth in finding of fact #10 was incorrect. The date which the Board intended to set forth therein is July 1, 1998.

Enclosed please find a corrected page 3 of the November 22, 1995 decision. Please substitute it for the original page 3 which is, **as** a result of this memorandum, superseded.

a:Pico2.mem(G1)

3/27/96

Docket #622 (R)

6. The Project Site is served by two storage ponds each with a capacity of approximately 3 million gallons.
7. During recent snowmaking seasons, **Pico** has limited its withdrawal of water from **Mendon Brook** for snowmaking purposes to **97,400,000** gallons per snowmaking season. **Pico** expects to limit future withdrawal of water from **Mendon Brook** for snowmaking purposes to **97,400,000** gallons per snow-making season. The Project will not result in withdrawal of water from **Mendon Brook** in excess of **97,400,000** gallons per snowmaking season. **Pico** hopes to reallocate this withdrawal to "cover" approximately six more acres of land than it has "covered" during recent snowmaking seasons.
8. On March 4, 1994, the Agency of Natural Resources ("**ANR**") adopted a new snowmaking policy for specific application to new and expanded snowmaking by ski areas ("**Agency Flow Policy**"). The Agency Flow Policy requires that stream flow alterations will not be approved in the future "if there is a feasible and reasonable alternative that would avoid or lessen the impact to the natural condition of a **stream**."
9. **ANR** determined that the Project does not require an "alternative **analysis**" so long as **Pico** does not increase its water withdrawals from **Mendon Brook**.
10. Despite **ANR's** determination, **Pico** has stipulated and agreed to perform an alternatives analysis as contemplated by the Agency Flow Procedures, on or before the submission date of any future application for an **ANR** or Act 250 permit to expand snowmaking and/or increase water withdrawals from **Mendon Brook**, or July 1, 1998, whichever occurs earlier.
11. Neither the rate nor the volume of water withdrawal will exceed the **97,400,000** gallons per snowmaking season standard due to the expansion of snowmaking to "cover" approximately six more acres of land than historically "covered" by **Pico**.
12. The Project will, whenever feasible, maintain the natural condition of **Mendon Brook**, will not